

May 11, 2022

The Honorable Richard J. Durbin
Chairman, Judiciary Committee
U.S. Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Charles E. Grassley
Ranking Member, Judiciary Committee
U.S. Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Durbin and Ranking Member Grassley:

Thank you for allowing me to appear before the Senate Judiciary Committee on April 27, 2022, in conjunction with my nomination to the United States District Court for the Eastern District of New York. I am writing to correct the record concerning an issue that arose during my hearing. Senator Kennedy asked me whether at a 2015 speaking event, I said, “The killing of unarmed Black men by police happens every day in America.”

I did not make this statement. I strongly disavow this statement, and I regret not disavowing this statement during my hearing. And to be clear, the statement is not true. Such a statement is inconsistent with my deep respect for law enforcement, appreciation for the risks they take, and the important role they play in advancing public safety. And it does not reflect the work I have done in partnership with law enforcement and their counsel to advance constitutional, effective, and safe policing in cities nationwide, including Biloxi, Milwaukee, and Chicago.

When asked at my hearing whether I made this statement seven years ago, I stated, “I don’t recall that statement, but it is something I may have said in that context.” In the moment, I did not know the basis for the question, so even though I did not believe that I had made the statement, I incorrectly left open the possibility that I had in fact done so. However, I have now reviewed my submission to the Committee and all publicly available material. There is no record that I made this statement, and I did not do so. Additionally, I regret that I failed to state unequivocally at my hearing that the statement is simply not true.

The only record of my remarks at the 2015 event are tweets posted by people I do not know. The tweet that appears to be the basis for misattributing this statement to me is anonymous, inaccurate, and does not capture the full context of the discussion. I made note of this in my Senate Judiciary Questionnaire. *See* Nusrat Jahan Choudhury SJQ at 27 (reporting the March 28, 2015 event at the Princeton School of Public and International Affairs and noting that “although press coverage is supplied, several of the statements attributed to me are inaccurate”).

I strive to be cautious in my public communications to ensure that assertions are based on facts. I recall stating at the event in question that every day in the United States, there are interactions

between officers and community members that disparately impact people of color. That is what I was referring to when an attendee tweeted that I said, “It happens every day.”

I have deep respect and compassion for law enforcement who put their lives on the line. I would not raise false impressions or questions about their commitment to public safety. My utmost regard for the work of law enforcement is shown by my work with them and their counsel to settle litigation with reforms that advance constitutional, effective, and safe policing.

I am aware that disproportionate uses of force by law enforcement can undermine community trust and safety. These issues are extremely complicated and must be discussed based on accurate facts and statistics—and that is what I have endeavored to do as an advocate working with law enforcement and their counsel on these issues. I would reiterate, again, that the statement I was asked about was not an accurate statement, and I regret not saying so during my hearing.

My respect and admiration for law enforcement is reflected in my work at the ACLU of Illinois, where I have served as Legal Director since January 2020. During this time, I supported the filing of three administrative complaints in the Illinois Department of Human Rights on behalf of two Chicago police officers.

I was humbled to receive letters submitted to the Committee in support of my confirmation from opposing counsel in litigation involving police. Gerald Blessey, the former City Attorney for Biloxi, Mississippi, described our work to resolve litigation involving Biloxi police practices as follows:

[Ms. Choudhury] is fair-minded and a pleasure to work with on these serious, complex, and challenging issues.

I understand that Ms. Choudhury has been accused of making statistically inaccurate statements critical of law enforcement. She was always fact-based in her communications with us; our settlement was based on an agreed, accurate data base. Her expressions of utmost respect for law enforcement personnel and the difficult challenges that police encounter as they protect and serve the public are consistent with my first-hand experience working with her on policing issues. I have every confidence in her temperament and ability to be an impartial judge and know her to be exceptionally well qualified for the position.


Grant F. Langley, the former Milwaukee City Attorney, and Jan A. Smokowicz, the former Milwaukee Deputy City Attorney, represented the Milwaukee Police Department and the Milwaukee Fire and Police Commission in litigation against my clients. They wrote that I “displayed an unfailingly even temper and a reasonable and fair approach to resolving the many thorny issues that arose during” efforts to settle the litigation.

John Clopper, a former Assistant U.S. Attorney for the Southern District of New York, represented the Federal Bureau of Investigation, U.S. Department of Justice, and National Security Agency against my client in litigation. Mr. Clopper wrote: “Nusrat is among the most

open-minded lawyers, I have litigated against.” He described me as “impartial[],” “fair-minded[],” “collaborative,” and a “role model for collegiality in the legal profession.”

If confirmed as a district judge for the Eastern District of New York, I would strive, in each case, to uphold the solemn judicial oath to “administer justice . . . faithfully and impartially” to all parties and counsel who appear before me, including law enforcement officers and agencies.

Sincerely,

A handwritten signature in blue ink that reads "Nusrat J. Choudhury". The signature is written in a cursive, flowing style.

Nusrat J. Choudhury